IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO. 12326 OF 2002

Sadruddin Mohammed Yusuf. ... Appellant.

V/s.

Municipal Corporation of Greater Bombay. ... Respondents.

K.D.Jha for the appellant.

J.Xavier for the respondent.

CORAM : A.S.Oka, J.

DATED : 24th January, 2005

P.C. :

1. Admit.

2. Respondent waives service.

3. By consent taken up for hearing forthwith.

4. Heard learned counsel for the parties.

5. Mr.Jha, learned counsel appearing for the appellant reiterated that on 27th March, 2002 this Court had issued oral direction to the respondent Corporation not to demolish suit structure. Learned counsel for the respondent Corporation fairly stated that on 27th March, 2002 such oral direction was issued by this Court directing the parties to maintain status-quo and the appeal was ordered to be placed for admission on 8th April, 2002. He stated

that thereafter the appeal did not come up on board for admission.

6. The challenge in the suit filed by the appellant is to the order dated 22nd February, 2002 passed by the respondent Corporation. For a period of about three years the suit structure has not been demolished. The order impugned herein is dated 15/16th March, 2002 by which ad-interim relief was refused by learned trial Judge.

7. It is an admitted position that as per oral direction issued by this Court on 27th March, 2002 the suit structure has not been demolished. Therefore, no purpose would be served by considering the merits of ad-interim order passed by leaned trial Judge on the notice of motion especially when the notice of motion is pending.

8. Hence I pass the following order:

(i) The parties will maintain status-quo as of today in respect of suit structure till the disposal of notice of motion pending in the trial Court.

(ii) Learned trial Judge will hear and decide the notice of motion on its own merits as expeditiously as possible and in

any event, on or before 30th April, 2005 on its own merits without being influenced by earlier ad-interim order as well as order of status-quo passed by this Court.

9. Appeal stands disposed of in the above terms with no order as to costs.

10. All the concerned to act on authenticated copy of this order.

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